

GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

APIES – Sri B.Simhachalam, Junior Lecturer in Chemistry (Retd), Government Junior College, Kotauratla, Visakhapatnam District – Misconduct of teaching in two Private Colleges simultaneously being Principal of Government Junior College – Disciplinary action against him – Punishment of 25% cut in pension permanently of the Accused Officer imposed – Orders – Issued.

Higher Education (IE.I) Department

G.O.Rt.No. 685

Dated:11-09-2009

Read the following:

1. From the C.I.E. Lr. Rc.No.Ser.II.B.1/1807/2004, dt.24.9.2007.
2. From the C.I.E. Lr. Rc.No.Ser.II.B.1/1807/2004, dt.2.11.2007 .
3. From the C.I.E., Rc.No.Ser.II.B.1/1807/2004, dt.20.03.2008.
4. Govt. Memo.No.13285/IE.I.2/2007-3, dt.8.5.2008.
5. Explanation of the Sri D.Simhachalam, Retd. JL , dt.7.7.2008.
6. From the D.I.E., Lr.,Rc.No.Ser.II.B.1/1807/2008, dt.31.7.2008.
7. From the APPSC Lr. No.310/RT-I/3/2009, dt.17.6.2009.

ORDER:

The Director of Intermediate Education, A.P., Hyderabad in his letter 1st read above has informed that Sri B.Simhachalam, Junior Lecturer in Chemistry, while in service was teaching and functioning as Principal of Private B.Ed. College in Emmanuel College of Education at Kondala Agraharam, Makavaripalem Mandal, Visakhapatnam District and B.Ed., College of Y.D.Peta, D.Yennaram Nathavaram Mandal, Visakhapatnam District. He has not handed over the Botany and Zoology Stock Registers and stocks therein to the concerned Junior Lecturer during the year 2001. Sri B.Simhachalam, Junior Lecturer in Chemistry, Government Junior College, Kotauratla, Visakhapatnam District was placed under suspension on 16.05.2005. The following charge have been framed against him for his grave misconduct by the Director of Intermediate Education in his Proceedings No.Ser.II.B.1/1807/2004, Dated:2.7.2005.

Charge :

That the said Sri B.Simhachalam, Junior Lecturer in Chemistry, while working at Government Junior College, Kotauratla, Visakhapatnam District, is teaching and functioning as Principal in Private B.Ed. Colleges in Visakhapatnam District which is a grave misconduct on his part. He has not handed over the Botany and Zoology Stock Registers and Stocks therein to the concerned Junior Lecturers during the year 2001, which is highly irregular. Thus his action is contrary to Rule 3(1)(3) and Rule 10 of conduct rules and he acted in an irresponsible way towards his legitimate duties, and sense of propriety and unbecoming on his part of official position.

2. Sri B.Simhachalam has submitted his written statement of defence, denying the charges. The matter has been examined and the Director of Intermediate Education has appointed the District Vocational Education Officer, Visakhapatnam as Enquiry Officer to conduct an enquiry in to the charge. Meanwhile Sri B.Simhachalam had retired from service on dt.31.5.2006 on attaining the age of superannuation.

3. The District Vocational Education Officer, Visakhapatnam has conducted the enquiry and submitted his report on dt.7.7.2007, wherein he has held that the name of Sri Simhachalam was reflected in the attendance register as well as in the Acquaintance Register in the Private B.Ed College from May-2003 to March-2005 and that he received a remuneration of Rs.1,24,500/- for the period from May-2003 to October-2003 and from March-2004 to March 2005.

4. The matter has been examined and it was provisionally decided to impose a punishment of 25% cut in pension permanently on Sri B. Simhachalam, Junior Lecturer in Chemistry (Retd). Accordingly, in the Government Memo 4th read above while enclosing a copy of the enquiry report a show cause notice was issued to the incumbent indicating that a punishment of 25% cut in pension permanently would be imposed on him for the charge held proved against him.

5. Sri B.Simhachalam, Junior Lecturer in Chemistry, Kotauratla, Visakhapatnam has submitted his explanation in his representation 5th read above. He has submitted among others, that he had joined as Junior Lecturer in Chemistry at G.J.C. Kotauratla on dt.19.8.98. Till then to the date of his suspension, he discharged his duties with great devotion. He never availed any kind of leave other than casual leaves and performed the assigned duties like Departmental Officer, observer and Practical Examiner in IPE and Election duties etc. Unless he availed any kind of leave for a long period, how would he perform the duties of said Private B.Ed Colleges in day time on the same day in the same time. The said B.Ed colleges are not night colleges, and that the Emmanuel College of Education, Kondala Agraharam, Makavarapalem Mdl., Visakhapatnam District is situated in the north east direction to Kotauratla with a distance of 40 KMs and Y.D.Peta, D.Yerravaram of Nathavaram Mandal, Visakhapatnam District is situated in the south west direction with a distance of 45 KMs. It is highly impossible to a man for teaching and function as Principal at both Colleges, which are in quite opposite direction. He has further submitted that he has taken charge from Smt. Mangatayaramma, who had not handed over the Stock Registers to her. In the circumstances, proposing to impose punishment of a cut of 25% from the pension on permanent basis is highly injustice and inhuman. He has therefore requested to consider his case on humanitarian grounds and not impose any punishment on him while treating his period of suspension as on duty.

6. The explanation of the officer has been examined and found that it was not convincing. The Government have therefore decided to reject the same and confirm the provisional decision of imposing the punishment of 25% cut in pension permanent basis on him.

7. The A.P. Public Service Commission, who were consulted in the matter have also agreed with the proposal of this department in their letter 7th read above.

8. Government therefore hereby order that:

- (a) A punishment of 25% cut in pension permanently be imposed on Sri B.Simhachalam, Junior Lecturer in Chemistry (Retd).
- (b) The period of suspension of Sri B.Simhachalam, Junior Lecturer in Chemistry (Retd), with effect from 01.06.2005 to 31.05.2006 be treated as not duty, under FR 54(b), as the charge was held proved against him.

9. The original case record containing Pages 1-43 & 1-377 is returned to Director of Intermediate Education, A.P. Hyderabad. He is requested to acknowledge the receipt of the same.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

SURESH CHANDA
SECRETARY TO GOVERNMENT

To

The Director of Intermediate Education, A.P. Hyderabad.

Sri B.Simhachalam, Junior Lecturer in Chemistry (Retd),

G.J.C., Kotauratla, Visakhapatnam District through the D.I.E. AP.Hyderabad.

The Regional Joint Director of Intermediate Education, Rajahmundry.

The Secretary, A.P. Public Service Commission, Hyderabad.

Copy to:

The Accountant General of A.P. Hyderabad.

The Director of Treasuries & Accounts, Hyderabad.

The District Treasury Officer, Visakhapatnam.

The P.S.to Secretary(SE).

SC/SF.

//FORWARDED BY ORDER//

SECTION OFFICER